

closed these gaps. The House has passed universal background check legislation. Now the ball is in the Senate's court. We need at least 10 Republicans if all Democrats will support it. I hope my Republican colleagues are willing to stand and vote to close these gaps.

There are other commonsense changes we can make that deal with gun violence and community prevention. At a hearing I held on March 23, Dr. Selwyn Rogers of University of Chicago Medicine pointed out that the NIH has nearly \$43 billion for medical research, yet only \$12.5 million dedicated to funding for research into reducing gun violence. We need to invest more into this research and into the CDC research, too. We also need to support evidence-based community programs that show they are effective in reducing violence.

Saving lives from the horrors of gun violence should not be a partisan issue. It is absolutely heartbreaking to think about little Kayden Swann's sitting in the backseat of a car on Lake Shore Drive—which I look out from my place in Chicago and see every day—and realize that he was shot in the head at the age of 1 and is now fighting to survive.

The question is, What are we going to do with this challenge of 40,000 gun violence deaths every year and more than 100 every day—give up or stand up?

I will tell you that I am not going to give up. I am going to do all I can to push commonsense, constitutional reforms to bring gun violence to an end in America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

HONORING OFFICER WILLIAM F. EVANS

Mr. THUNE. Mr. President, on Good Friday, another Capitol Police officer lost his life defending this building and all those in it.

Officer Billy Evans was killed when an individual rammed Officer Evans with his car at the barricade Officer Evans was manning. Another Capitol Police officer, Officer Ken Shaver, was injured in the attack.

We talk about how police officers leave their homes each day not knowing what they will face. Good Friday's attack was a reminder of how true that is.

We can only be thankful that despite the ever-present risk that they will not make it back to their homes, men and women like Officer Evans and Officer Shaver still choose to serve—to put themselves on the frontlines facing evil and danger so that the rest of us don't have to.

I know the officers of the Capitol Police have had an unthinkable difficult

few months. I hope they know how grateful we are for their service.

Today Officer Billy Evans lies in honor in the Rotunda, a fitting tribute to a man who lived and died to protect those who serve in this building.

My thoughts and prayers are with Officer Evans' two children, Logan and Abigail, with his mother Janice, and with all those who mourn this brave man. May his memory be eternal.

SUPREME COURT

Mr. President, on Friday, in what is fast becoming a theme of his Presidency, President Biden caved to the demands of the far left and officially established his Court-packing Commission.

Yes, Court packing, an idea that had been consigned to the ash heap of history almost a century ago, has been given new life by the far left who—wait for it—are upset that a duly elected Republican President was able to get his Justices confirmed to the Supreme Court.

That is right, Mr. President. The terrible crisis we are facing is that a Republican President was able to fill three vacancies on the Supreme Court.

I confess I had missed the part in the Constitution that said the Supreme Court is only legitimate if a majority of its members were nominated by a Democratic President or at least reliably delivers liberals' preferred outcomes.

But liberals didn't, and now they are eager to "restore balance" to the Supreme Court by expanding the number of Supreme Court Justices and ensuring that a Democratic President fills the new spots.

President Biden—the same man who once called President Roosevelt's failed Court-packing proposal a "bonehead idea" and a "terrible, terrible mistake to make"—is apparently falling in with the far left's demands.

His Commission, composed largely of left-leaning scholars, Democratic operatives, and a few conservatives as bipartisan window dressing, will consider Court packing and other structural "reforms" like term limits for Supreme Court Justices.

It is funny how Democrats weren't too concerned about term limits when revered liberal Justices were serving for decades. But faced with the terrible prospect that a Justice Barrett or a Justice Gorsuch might have a similarly long career, the left is suddenly eager to limit Supreme Court terms.

There are so many things wrong with the left's Court-packing proposals that it is difficult to know where to begin, but let's start with the ludicrous idea that packing the Court will somehow restore the Court's legitimacy in the eyes of the public—not that the Court's legitimacy has been lost in the eyes of anyone but far-left liberals.

In fact, the Supreme Court might be the Federal institution that garners the greatest degree of respect from the public. The Supreme Court's approval rating routinely exceeds that of Con-

gress and usually by a substantial margin.

But let's suppose for a second that liberals are correct and that the Supreme Court has lost its legitimacy in the eyes of the public.

If that is the case, there is nothing, nothing Democrats could do that would be more guaranteed to further undermine public trust in the Court than to pack the Court—nothing.

Do Democrats seriously think that they can enhance the credibility of the Supreme Court in the eyes of the American people by expanding it to add more Democratic Justices? Do they think the 74 million people who voted for Republicans in the last election are going to see this as adding necessary balance to the Court? If they do, they should think again.

As Justice Stephen Breyer noted just last week, "It is wrong to think of the court as another political institution. And it is doubly wrong to think of its members as junior-league politicians. Structural alteration motivated by the perception of political influence can only feed that perception, further eroding that trust."

That from Justice Stephen Breyer.

Republicans and, I venture to say, a lot of Independent and Democrat voters as well will see this for exactly what it is, and that is an attempt by Democrats to undermine an essential institution to ensure that Democrats get the Supreme Court rulings that they want.

Democrats can dress up their openness to Court-packing proposals in lofty language and faux expressions of concern for the institution, but no one—no one is fooled. This is about power, pure and simple. Democrats want power.

They want to be able to impose the policies they want when they want them, and they are afraid, if the Supreme Court isn't packed full of Democrat nominees, the Supreme Court might rule against them.

And so more and more Democrats are apparently perfectly willing to consider undermining, if not destroying, a fundamental part of our system of government to guarantee—to guarantee their political power.

Let's think about this in practical terms for a minute. Let's suppose that Democrats actually succeed in expanding the Supreme Court and adding more Democratic nominees. What do they think is going to happen next time there is a Republican President and a Republican Congress?

Well, I can tell you. Republicans would make their own move to "restore balance" and add some more Republican Supreme Court nominees. And then I imagine when Democrats retook power, they would do the same thing.

In a decade or so, the Supreme Court could be expanded to laughable proportions. Think about it. How many Justices are we going to have? Fifteen? Twenty? Thirty? There would be no end to this lunacy.

In the words of Justice Ruth Bader Ginsburg only 2 years ago, “Nine seems to be a good number. It’s been that way for a long time. . . . I think it was a bad idea when President Franklin Roosevelt tried to pack the court.”

And that, again, was the late Justice Ruth Bader Ginsburg. She said it was a bad idea.

And fortunately for the country, when President Roosevelt proposed his Court-packing plan, both Republicans and Democrats opposed it.

Unfortunately, Democrats today seem to be more concerned with power than principle or, in some cases, maybe lack the courage to stand up to the ferocity of the far left.

In the past, President Biden has powerfully defended American institutions, but now he seems incapable of standing up to the far left, and so now we have an American President implicitly endorsing the idea of Court packing by establishing a Commission to study the proposal.

Democrats like to talk about democracy and making sure that people have a voice, but it is becoming increasingly clear that they think their voices and the voices of liberal Americans are the only voices that should be heard.

Now, if they can’t win by convincing the public to elect strong Democratic majorities, they have made it increasingly clear that they are willing to undermine our institutions to ensure their grip on power.

Don’t like the makeup of the Supreme Court? Expand the Court with new Democratic Justices until you can be sure you get the results you want.

Don’t like Senate rules like the legislative filibuster that give the minority party a voice in legislation? Change the rules.

Don’t like your election prospects? Pass legislation like H.R. 1 or S. 1, designed to give your party a permanent advantage in electoral contests.

I understand Democrats’ passion for their political beliefs. I am pretty passionate about advancing my political principles, but I believe we should be advancing our principles the democratic way, by persuading people to vote for us, not by undermining our democratic institutions to give our party an advantage.

I am deeply disappointed that President Biden found himself unable to stand up to pressure from the radical left, but I hope—I hope that at least some Democrats will find the courage to oppose these dangerous attempts to undermine our system of government.

The Biden Court-packing Commission is a solution in search of a problem and an attempt at a raw power grab by Democrats. It should quickly fade into the obscurity that it deserves.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

NOMINATION OF GARY GENSLER

Mr. TOOMEY. Mr. President, I rise this afternoon to discuss the nomina-

tion of Mr. Gary Gensler to serve as the Chairman of the Securities and Exchange Commission.

To start this, I just want to remind my colleagues, the mission of the SEC is really threefold: It is to protect investors; it is to facilitate capital formation; and it is to maintain fair, orderly, and efficient financial markets, capital markets.

And the fact is, America’s capital markets are, without a doubt, the envy of the world. There are no other capital markets anywhere on the planet that have the depth, the liquidity, the diversity, the flexibility that allow growing businesses to grow as readily as our capital markets allow.

And that is a big part of why we are outperforming the world in terms of a recovery from the pandemic—coronavirus infections and lockdowns and all the rest. It is one of many reasons, but it is an important one.

It is also worth remembering that that recovery can be stymied if regulators impose inappropriate, burdensome regulations, including, say, backdoor regulation by enforcements that we have seen in the past that hamper job growth, that limit access to capital or if these regulators mandate managers of publically traded companies to favor so-called stakeholders over the interests of the people who actually own the company, which is to say the shareholders.

The SEC has historically administered Federal security laws and pursued its mission on a pretty bipartisan basis, but increasingly, there are some who want the SEC to stray from this tradition and instead to push the bounds of its legal and regulatory authorities in order to advance a particular liberal, social, and cultural agenda.

Unfortunately, when he was the Chairman of the CFTC, Mr. Gensler demonstrated a willingness to push the legal authorities and the legal limits of that Agency’s authority. He was responsible for a CFTC rule on position limits that was overturned in court and another rule on cross-border swaps that was viewed by many, including international regulators, as exceeding the CFTC’s authority. This raises questions about whether he would be willing to exceed the legal bounds on the SEC’s authority as well.

Let me acknowledge that Mr. Gensler, without a doubt, has a great deal of knowledge and experience in our securities markets. There is no question about it. He has a lot of expertise there. But based on his record as a regulator in the past and statements that he has made during the course of this nomination process, I am concerned that he will use the SEC and its regulatory powers to advance an agenda that should not be the purview of the SEC—specifically, global warming and climate change, political spending disclosures, and issues of racial inequality and diversity.

Securities laws and securities regulations are not the appropriate vehicle to

address any of these topics. That is the reason why we have environmental and political spending and civil rights laws, and we have Federal Agencies that are responsible for enforcing those laws. If anybody thinks those laws are not adequate, OK, then take it up before Congress and have Congress change the laws. We are the people who should be responsible because we are the ones who are accountable to the American people. It is certainly not the role of the Securities and Exchange Commission—an independent financial regulator with no political accountability to voters whatsoever—to address difficult, challenging, sometimes contentious political, social, and cultural issues.

I have to say, nothing that Mr. Gensler said at his hearing or since has alleviated my concerns. Mr. Gensler did state that his regulatory approach would be grounded in the Supreme Court’s definition of “materiality,” but he declined to explain what that really means, what that means to him, what are the limiting principles.

For example, I asked him if it would be OK for companies to be forced or pressured to comply with quotas with respect to the race, the gender, or sexual orientation of their board members. In response, Mr. Gensler did not disavow the idea of forcing or pressuring companies to use these kinds of quotas to achieve board diversity.

I also asked him if a company’s financially insignificant spending on, say, energy or maybe political advocacy—if that can ever be material information that must be disclosed to investors. Again, I was talking about financially insignificant transactions. In response, Mr. Gensler essentially indicated that if a number of politically motivated activist investors wanted to know the information—for example, information related to global warming or political spending—then that makes it material information even if it is financially insignificant to the company, and therefore the SEC could presumably mandate its disclosure. I think that is completely inconsistent with the whole idea of materiality.

What it seems to me the bottom line for Mr. Gensler is, as long there are liberal activist investors who demand to know certain things about environmental, social, or corporate governance issues, then it would be OK to force disclosure of those issues, and I was not able to discern a situation in which Mr. Gensler would not be willing to mandate disclosure of that kind of information.

There is another issue that is concerning to me, and that is Mr. Gensler’s answers to questions during his nomination hearing about recent stock market volatility.

We have seen some extraordinary volatility in a handful of companies for a variety of relatively novel reasons. Some have suggested that we have to take a paternalistic approach to grown adults and maybe limit their ability to